

4.1 - 23/02299/FUL	Revised expiry date 8 December 2023
Proposal:	Demolition of existing house and erection of 6 semi-detached houses with car parking and access drives to existing road. Associated landscaping.
Location:	Tor Na Coille , 1 Ashley Road, Sevenoaks Kent TN13 3AN
Ward(s):	Sevenoaks Town & St Johns

**Item for decision**

The application has been called to Development Management Committee by Councillor Skinner and Councillor Granville on the grounds of the impact on the street scene to Ashley Road and St Botolph's Road, the bulk and massing of the proposals in comparison to surrounding, contrary to the Sevenoaks Residential Character Area Assessment, the scale and site coverage of the development is out of keeping with the surrounding area, contrary to Sevenoaks Allocations and Development Management Plan Policy EN1, and concerns regarding changes in site levels.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 22-23-01, 22-23-02B, 22-23-03C, 22-23-04, 22-23-05, 22-23-06, 22-23-07, 22-23-09B, Tree Protection Plan.

For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding the approved drawings, the window(s) in the first floor side facing north and south elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the commencement of works on the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following: (a) Routing of construction and delivery vehicles to / from site; (b) Parking and turning areas for construction and delivery vehicles and site personnel; (c) Site working hours and timing of deliveries; (d) Site layout and security measures; (e) Provision of wheel washing facilities; (f) Temporary traffic management / signage; (g) measures to deal with noise and dust.

To ensure details of construction are provided in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

5) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the development reaching above damp proof course, details of the hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include details of species, sizes and a planting and maintenance schedule. The approved hard landscaping details shall be implemented prior to first occupation of the dwelling hereby approved, and shall be carried out in accordance with the approved details. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to the development reaching above damp proof course, details of external materials will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

9) The cycle parking and vehicular parking as shown on plan number 22-23-03C shall be implemented prior to the first occupation of the dwellings, hereby approved, and shall be thereafter retained.

To encourage the use of low emissions vehicles and promote sustainable travel, and to provide satisfactory on-site parking in accordance with policy T2 and T3 of the Sevenoaks Allocations and Development Management Plan.

10) Within six months of works commencing on the site, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and shall be thereafter maintained.

In the interests of securing ecological enhancements in accordance with policy SP11 of the Core Strategy and the principles of the National Planning Policy Framework.

11) The development, hereby approved, shall be carried out in accordance with the Tree Protection Plan and the recommendations and measures detailed in Sections 9-15 of the submitted Arboricultural Report by Sylvanarb dated February 2023.

To ensure the retained trees are adequately protected to preserve the character of the area, in accordance with policy EN1 of the Allocations and Development Management Plan.

12) From the commencement of works (including site clearance), the following precautionary measures will be implemented to avoid capture of S41/priority species hedgehog: 1. Backfilling of trenches and other excavations will be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit; 2. All excavations and trenches will be checked each morning throughout the construction period and prior to infilling; 3. All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

In the interests of conserving protected species in accordance with policy SP11 of the Core Strategy and the principles of the National Planning Policy Framework.

13) Prior to occupation of the development, hereby approved, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will show the type and locations of proposed external lighting, as well as the expected horizontal and vertical light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

In the interests of protecting biodiversity and avoiding a harmful artificial light spillage in accordance with policy SP11 of the Core Strategy, policy EN2 of the Allocations and Development Management Plan and the principles of the National Planning Policy Framework.

14) Prior to the first occupation of the development, hereby approved, the pedestrian visibility splays of 2 metres x 2 metres behind the footway on both sides of the access with no obstructions over 0.6m above footway level, and the vehicular visibility splays of 2.4 metres x 43 metres x 43 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays shall be provided and thereafter maintained.

In the interest of highway safety.

15) No development shall commence until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a 10% net gain in biodiversity within a 30 year period as a result of the development have been submitted to and agreed in

writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/(ies) responsible for its delivery.

To ensure compliance with the Sevenoaks Town Neighbourhood Plan biodiversity net gain policy L1.

### **Informatives**

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and

common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3) The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season<sup>1</sup> (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of site**

- 1 The application site comprises a two storey detached dwelling located within a spacious plot adjacent to the junction of Ashley Road and St Botolph's Road. The site is located within the urban confines of Sevenoaks in a built up residential area. The site is accessed via an existing driveway from Ashley Road.

### **Description of proposal**

- 2 Planning permission is sought for the demolition of the existing house and erection of six semi-detached houses with associated car parking, landscaping and access.

### **Relevant planning history**

- 3 99/01726/FUL - Demolition of existing double garage and provision of new extension to side - GRANTED

4 00/01200/FUL Provision of enclosed porch - GRANTED

## Policies

5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

6 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP7 Density of Housing Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP11 Biodiversity

7 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Point

8 Sevenoaks Neighbourhood Plan (STNP)

- Policy C4 Design and residential character areas
- Policy L1 Biodiversity net gain
- Policy L4 Trees and hedgerows

## Constraints

9 The following constraints apply:

- Urban Confines of Sevenoaks

- TPOs on south of site and along western site boundary

10 Other

- Sevenoaks Residential Extensions SPD
- Sevenoaks Residential Character Area Assessment SPD

**Consultations responses**

- 11 Sevenoaks Town Council – Recommended approval, subject to the planning officer being satisfied with density.

Response following re-consultation: Recommended refusal on the following grounds:

- The impact on the street scene of both Ashley Road and St Botolph's Road, the bulk and massing of the proposals, contrary to development guidance of the Sevenoaks Residential Character Area Assessment
- The scale and site coverage of development is out of keeping with surrounding area contrary to policy EN1
- The applicant has not satisfactorily demonstrated in drawings how the construction solves the changes in level between the proposed access points and the site.
- The proposals seek to remove one mature tree, 380sqm of amenity grassland and ornamental shrubs, contrary to policy L4 of Neighbourhood Plan which requires justification for tree and hedgerow removal.

- 12 Tree Officer – No objection. Notes TPO 4 of 1965 is located upon southern part of the site, this is an Area Order which means it would have only protected the trees that were there at the time of serving. Tree Officer doubts any of the trees in existence are therefore actually protected given their probable age. The proposed dwellings are shown to be more towards the eastern boundary where there is no vegetation of note. The shown retained vegetation also appears to be adequately protected during the development.

- 13 Conservation – No comment.

- 14 Thames Water – No comments.

- 15 KCC Lead Local Flood Authority – No comments, falls outside of KCC's remit as a statutory consultee.

- 16 KCC Highways – Raised concerns regarding the widening of the existing access and traffic conflict. Recommended visibility splays be secured by condition. Requested pedestrian visibility splays be widened to 2m x 2m. Comments regarding parking, advised applicant that with tandem parking the length of spaces should be 6m. Advises cycle parking four cycles per dwelling should be provided. Satisfied that the result of five additional dwellings would not have a significant impact on the highway network in terms of trip generation.

- 17 Response following re-consultation: From the revised drawings the proposed fence dividing the driveways for plots 2, 3, 4 and 5 have been removed increasing the parking space to the required 2.7m width where the space abuts a wall. No objections, previous comments and concerns have been addressed. Recommends conditions regarding provision and retention of parking spaces, bound surface, cycle parking, EV points and provision of pedestrian and vehicular visibility splays.
- 18 KCC Ecology – Sufficient information provided. Recommends informative regarding breeding birds and conditions regarding precautionary working measures during construction, tree and hedgerow protection, a lighting plan for biodiversity and ecological enhancements. Response following re-consultation: amendments do not pose any significant impacts on biodiversity of the site, previous comments remain valid.
- 19 Environmental Health – No objection, recommends a Construction Environmental Management Plan be secured by condition. Response following re-consultation: the additional information is in relation to highways matters which are not within Environmental Health remit. Nothing further to add to previous response.

## Representations

- 20 19 Public comments received objecting on the following grounds:
- Design of dwellings is harmful and out of character
  - Density of scheme is harmful and out of character
  - Height of dwellings
  - Impact on The Vine Conservation Area
  - Increased level of development fronting Ashley Road and harm to street scene
  - Out of character with surroundings, harm to character and appearance of area
  - Contrary to design guidance
  - Development is not set back from street scene
  - Semi-detached design is harmful
  - Highway safety concerns including proximity to existing junction, increase in vehicle access points, increase in traffic, insufficient parking provisions, visibility
  - Loss of privacy and overlooking
  - Harmful precedent
  - Noise and disturbance from new houses
  - Sustainability concerns demolishing existing house and environmental concerns
  - Impact of scheme on structural integrity of neighbouring properties
  - Concerns regarding the change in levels and grounds works proposed
  - Overdevelopment and overcrowding
  - Concerns Town Council supported the scheme
  - Loss of vegetation and trees
- 21 5 public comments received following re-consultation, objecting on the following grounds:
- Concerns regarding driveway gradients and land level changes
  - Cars reversing from driveways across pavements with limited view
  - Concerns regarding accesses and tandem parking
  - Development will lead to parking issues on Ashley Rd and St Botolph's Rd



- Increase in traffic due to new accesses
- Overdevelopment of the site
- Harmful density and harm to character and appearance of area
- Noise
- Loss of privacy and overlooking
- Houses not in keeping with style or construction of existing houses in area
- Set a bad precedent
- Error in planning statement regarding percentage of developed land
- Area developed by houses increased by 75%, significant negative impact on visual amenity
- Harm to street scene and visual amenity of area through overbearing impact
- Visual impact of development
- Scheme is not sustainable development

### **Chief Planning Officer's appraisal**

22 The main planning considerations are:

- Principle of development
- Impact on the character of the area
- Impact to neighbouring amenity and future occupiers
- Impact to highways and parking

### **Principle of Development:**

23 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

24 Policy SC1 of the ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

25 Policies L01 and L02 of the Core Strategy require development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy LO2 of the Core Strategy states that provision will be made for housing within Sevenoaks Urban Area.

26 This site is within the built confines of Sevenoaks Urban Area and, as such, there is a presumption in favour of development. The development of this site would make a welcome contribution to the housing provision within the District of five additional housing units. It has been confirmed that the Council does not currently have the required five year supply of housing land, does not have an updated local plan for housing and is not meeting our housing delivery targets over a number of years. Therefore the planning balance is further tilted in favour of granting planning permission, as per paragraph 11 of the NPPF.

27 As such, the contribution of housing is given additional weight in helping to support the Council to meet its housing targets. As set out within NPPF paragraph 11, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.

- 28 The location of the development is within an established residential area within the built confines of Sevenoaks, which is a strategic location for new housing and is supported by the necessary infrastructure. The development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.
- 29 Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective and efficient use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Although not entirely consistent with the NPPF and its promotion of efficient use of land, Local Policy SP7 of the Core Strategy encourages densities that do not compromise the distinctive character of the area. Within urban areas (of Sevenoaks), new residential development is expected to achieve a density of 40 dwellings per hectare. When reviewing the density of the site, which is 0.17 hectares, the construction of six dwellings would result in a density of 35 dwellings per hectare. The addition of six new dwellings on the site would therefore be making a more effective and efficient use of land, whilst not introducing a harmful density of development on the site.
- 30 Overall, considering the above, the principle of development is acceptable, subject to other material considerations assessed below.

#### **Impact on the Character of the Area**

- 31 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated. Policy C4 of the Neighbourhood Plan states that new development in residential areas shall be of high quality and take account of the Sevenoaks Residential Character Area Assessment SPD.
- 32 The site is a corner plot and lies at the junction of Ashley Road with St Botolph's Road. The site lies within character area G02 of the Sevenoaks Residential Character Area Assessment SPD. The age of the buildings in this character area date from early 1900s to present day, largely comprising detached, residential, two storey dwellings, some with attic accommodation, that have a varied material pallet. The SPD identifies the mature tree lined avenue with wooded and hedged boundaries and notes that buildings are set back from the street scene with well landscaped and hedged frontages. The design guidance advises that new development should be well screened from the road and should fit unobtrusively within its setting and should not appear cramped within the site or out of context with the character of the street scene. It also advises that mature trees and boundary hedges should be retained wherever possible.
- 33 In terms of the spatial character, as per the Residential Character Assessment, the surrounding area is predominantly characterised by detached properties that vary in style, design and appearance. To the west of the site is the Medical Centre, and there are examples of larger three storey apartment buildings and semi-detached dwellings to the south of the site along St Botolph's Road. The site is located adjacent to the junction of Ashley Road with St Botolph's Road and is visible from both these street

scenes. Whilst there is not a clear or set building line within the locality, the properties to the north of the site along Ashley Road do follow a slightly staggered but linear building line. The dwellings appear individually designed and incorporate a range of material finishes.

- 34 The three pairs of semi-detached properties on the plot would be set back within the site, with landscaped frontages proposed and the mature hedge along the southern boundary to be retained. The properties would follow a slightly staggered but linear building line which reflects the dwellings to the north of the site on this side of Ashley Road. Whilst the dwellings along Ashley Road are detached in nature, the introduction of semi-detached properties is not considered harmful to the character of the street scene. The existing pattern of development along St Botolph's Road is more varied in design, scale and form. The use of semi-detached properties means a more efficient use of the land which accords with NPPF principles. The dwellings are set in from all surrounding boundaries and would provide garden areas, parking and landscaping. The buildings do not appear cramped and much of the site would remain open and undeveloped as garden area, with spatial gaps maintained within the site and much of the existing landscaping protected.
- 35 The NPPF encourages development proposals to make efficient use of land to meet housing needs. The plot is spacious and the dwellings would not read as cramped, sitting comfortably within the boundaries of the site at a density of approximately 35 dwellings per hectare.
- 36 Regarding the design of the new dwellings themselves, they incorporate a traditional appearance which has been inspired by the 'Arts and craft' style, as detailed in the Design and Access Statement. Certain features from this period have been reflected in the design of the dwellings, including the deeper eaves on plots 1, 2, 5 and 6, with supporting bracket features. These plots are 2.5 storeys, with dormer windows serving the roof space. The middle pair, plots 3 and 4, has a double gable frontage design, also with accommodation in the loft space. The dwellings are considered acceptable in scale, bulk and mass when considering the existing character of the area and design variation within the locality of the site along both Ashley Road and St Botolph's Road.
- 37 The proposed dwellings integrate several positive design features including the incorporation of chimneys, detailing around the windows, detailing on the dormers, detailing on the roof profiles and inclusion of roof brackets. The material palette is proposed to be red brick, clay roof tiles, clay tile hanging and render. The material palette and design features are considered to give the scheme a positive design quality overall. Moreover, there are architectural variations between the middle and outer pairs of semis, with varying forms, material finishes and appearances, in accordance with the design guidance for this area. The new dwellings are considered to constitute high quality design that would not appear as obtrusive or out of character with the wider area, in accordance with the Residential Character Area Assessment SPD.
- 38 Comments have been received regarding the changes in levels between the access points and the site. The site currently has a significant level change between the

access and the existing dwelling, with the existing dwelling set down at a lower height than the road. The planning statement addresses this, identifying that the site is roughly 1.5m lower than Ashley Road, the scheme has been designed so the ground floor front rooms are level with the road and the rear ground floor is level with the gardens. From the section drawings and existing site survey undertaken, it appears the land level will be built up at the front of the site to allow the access points. The section and elevation plans provided show the land level changes and how the properties will sit within the street scene. A condition is proposed that would require details of site and finished building levels to be submitted, to ensure that the completed buildings would sit comfortably on the site and relate well to each other as shown on the section drawings provided.

- 39 Regarding landscaping, four small trees on the property frontage are proposed to be removed as well as a small group of Lawson Cypress. These trees are identified in the arboricultural report as being of low value. The Tree Officer notes that the TPO on the site is an Area Order which means it would have protected trees that were there at the time of the serving. The Tree Officer comments that it is doubtful that any of the trees in existence are therefore actually protected given their age. That said, the applicant has detailed tree protective fencing and is seeking to retain the majority of the trees and landscaping on the site. The Tree Officer raises no objections to this. I am satisfied the trees to be retained will be suitably protected and that adequate new planting and landscaping is proposed on the site, in accordance with policy L4 of the Neighbourhood Plan. Further details of the proposed landscaping can be secured via condition.
- 40 The scheme is considered to be acceptable in terms of design and impact on the character of the area. The Council has a shortfall of housing and lacks a five year housing supply. This scheme would make effective and efficient use of land in providing a net increase of five new homes. The development would sit comfortably in the site and would not be considered detrimentally harmful to the street scenes of St Botolph's Road or Ashley Road. The development would not therefore have a harmful impact under the tests of paragraph 11 of the NPPF; i.e. there is not significant and demonstrable harm that would outweigh the benefits of providing additional housing within the District.
- 41 Overall, the proposed development complies with Policy EN1 and EN5 of the Allocations and Development Management Plan, Policy SP1 of the Core Strategy, the Sevenoaks Residential Character Area Assessment SPD and policies C4 and L4 of the Sevenoaks Neighbourhood Plan.

#### **Impact on Neighbouring Amenity**

- 42 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 43 Regarding privacy and overlooking, the National Model Design Guide recommends separation distances of 15-20m when considering rear to rear relationships and 10m for rear to side elevation relationships to protect neighbouring privacy and prevent harmful overlooking.

- 44 The first floor side facing windows proposed on the dwellings serve bathrooms and can be conditioned to be obscurely glazed to protect neighbouring amenity from a loss of privacy and overlooking.
- 45 To the west of the site lies the medical centre, with other residential properties sited to the north of the site. The dwellings would be separated from the neighbouring properties to the north of the site. Plot 6 would be sited some 10m from the side elevation of the dwelling to the north of the site, number 3 Ashley Road. Number 3 has a detached garage located at the front of the plot and there is extensive landscaping along this boundary. Much of this landscaping is to be retained, with new planting proposed adjacent to the road. The dwelling on plot 6 is set in from this shared neighbouring boundary and is considered adequately separated from this neighbour to protect privacy and prevent harmful overlooking. The first floor side facing window on plot 6 would be serving a bathroom so can be conditioned to be obscurely glazed.
- 46 Whilst the dwellings would be set slightly forwards of neighbouring dwelling number 3, due to the separation distances, the frontage of number 3 would retain a suitable degree of openness and outlook. The properties would mirror the height of this neighbour and would not appear visually intrusive or create an overbearing impact on number 3.
- 47 The dwellings are proposed to front onto Ashley Road. At the closets point they would be sited some 16m from the dwelling opposite, number 25 St Botolph's Road, and some 22m from number 2 Ashley Road. These separation distances are considered acceptable and would not cause harm to neighbouring amenity through a loss of privacy or outlook.
- 48 Moreover, the dwellings pass the 45 degree rule of light test on plan and elevation view and would not be considered to cause a harmful loss of light to any neighbouring properties. Due to the orientation of the site and the separation distances between the dwellings and neighbours, the proposal would not be considered do harmfully overshadow any neighbouring properties immediately adjacent to the site.
- 49 The change in land levels between the site, the road and neighbouring properties is noted, however, this is an existing relationship and the section drawings show plans to raise the land level to ensure the ground floor front rooms are level with the road and the rear ground floor is level with the gardens. A condition regarding land levels is proposed to further address this.
- 50 The Residential Extensions SPD defines private and protectable space as the first 5m of rear garden space. Considering the separation distances and layout of the proposed development, the private garden areas of the neighbouring dwellings would be protected from harmful overlooking and loss of privacy. Considering the site layout, positioning of windows and the separation distances, the proposal would not be considered to pose harm to neighbouring privacy or cause harmful overlooking to the surrounding neighbours.

- 51 With regard to the future occupiers of the proposed development, all habitable rooms are served by natural sources of light and the dwellings comply with the National Minimum Space Standards. There are windows proposed at first floor level, but these can be conditioned as obscure glazed to protect the privacy of the future occupiers. The development would not detrimentally impact the residential amenity of future occupiers and sufficient outdoor amenity space would also be provided per unit.
- 52 A Construction Environmental Management Plan can be secured by condition to ensure measures are in place to control the working hours, noise, dust, traffic and timings of deliveries, in the interests of minimising disruption to neighbours.
- 53 Overall, the proposal is considered acceptable in terms of protecting existing neighbouring amenity and providing an acceptable standard of living for future occupiers, in accordance with policy EN2.

### **Parking and Highways Impact**

- 54 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 55 The KCC parking standards contained within appendix 2 of the ADMP state that in an edge of centre area a 4 bedroom dwelling should have 1.5 spaces. The site is in a sustainable location, close to the town centre of Sevenoaks. As per the plans, each dwelling has two tandem parking spaces that accord with the specified dimensions as advised by KCC Highways. Moreover, the applicant has also demonstrated satisfactory cycle parking per unit of 4 cycle spaces.
- 56 KCC Highways are satisfied that the result of five additional dwellings would not have a significant impact on the highway network in terms of trip generation.
- 57 Regarding the access, the applicant is proposing three new access drives, with the existing access maintained as is. KCC Highways have not raised objections to the scheme on highway safety grounds. The pedestrian and vehicular visibility splays are considered acceptable and can be secured by condition.
- 58 Ashley Road is an unclassified road so planning permission may not be required for the creation of a new access. Moreover, the road already has many residential access drives at regular intervals. It is a 30mph residential road and I am not concerned the new access drives will cause a 'severe' impact on the highway network, as per paragraph 111 of the NPPF.
- 59 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. A condition can be included on the scheme for the inclusion of a charging point per unit, in accordance with Policy T3 of the ADMP.

- 60 KCC raise no objections to the scheme following the re-consultation to address the initial comments. The scheme is considered acceptable in terms of highways and parking considerations.

### **Other Issues**

- 61 Flood Risk and Drainage

The site does not lie in a designated flood zone, nor an area of identified surface water flood risk. The proposed development would not be considered to pose unacceptable harm to the flood risk of the site. The application form states that foul water will be disposed of via public sewer and surface water will be managed via soakaway.

- 62 Ecology

Regarding ecology, the applicant has submitted a preliminary ecological appraisal and survey results. KCC Ecology are satisfied sufficient information has been provided. As there is limited potential for protected species, a precautionary approach is advised, this can be secured by condition. Further conditions regarding biodiversity net gain, a lighting plan for biodiversity and tree and hedgerow protection are proposed. Policy L1 of the Sevenoaks Neighbourhood Plan should whenever possible deliver a 10% net gain in biodiversity. Whilst the scheme has not demonstrated this as part of the submission, it can be secured via condition.

- 63 Heritage

The does not lie in a Conservation Area and is some 45m from the edge of The Vine Conservation Area to the east. The Conservation Officer has made no comments and raises no objections to the proposals. The site is considered adequately separated from the edge of the Conservation Area to have no identified impact. As such, the setting and significance of the heritage asset would be preserved in accordance with policy EN4.

### **Community Infrastructure Levy (CIL)**

- 64 The proposal is CIL liable and no exemption has been applied for.

### **Conclusion**

- 65 The Council has a shortfall of housing delivery and lacks a five year housing supply. This scheme would make effective and efficient use of land with the provision of five new homes within the urban area of Sevenoaks. The proposed development would be acceptable in terms of design and amenity, creating an attractive living environment for existing and future occupants and integrating well into the character of the area.
- 66 I have not found there to be harmful impacts that could be considered to significantly or demonstrably outweigh the benefits of additional housing within the District, as per the tests in paragraph 11 of the NPPF. The dwellings appear well spaced within the site and remain separated from nearby neighbouring dwellings. The dwellings are considered acceptable in design and would not be detrimentally harmful to the prevailing character of the area.

67 The scheme is therefore considered to accord with the Development Plan and is recommended for approval.

**Background papers**

Site and block plan

Contact Officer(s): Anna Horn

01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)





# Site Plan

Scale 1:1,250  
 Date 17/11/2023



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 Ordnance Survey AC0000822250

